

REMARKS

The Office Action and the cited and applied reference have been carefully reviewed. No claim is allowed. Claims 21-23, 25-58 and 60 presently appear in this application, with claims 26-58 and 60 being withdrawn from consideration, and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 21-25 have been rejected under 35 USC §112, first paragraph, because the examiner states that the specification, while being enabling for treatment of an immune disorder by administering an antibody that bind the region comprised by the amino acid residues 123-175 of SEQ ID NO:3, does not reasonably provide enablement for treatment in the case of the expressing the treating agent within the cells of said individual. This rejection is believed to be made moot by the cancellation of claim 24.

Reconsideration and withdrawal of this rejection are therefore respectfully requested.

Claims 21-23 have been rejected under 35 USC §102(b) as being anticipated by or, in the alternative, under 35 USC §103(a) as being obvious over Kanteti et al., WO1998/54323. The examiner states that Kanteti teaches SIVA protein, or portion or fragments thereof, can be used to prepare anti-SIVA antibodies; the antibody is incorporated into a pharmaceutical composition and

can be used in methods for treating subjects with various disorders characterized by aberrant SIVA activity such as proliferative disorder of an immune cell or an autoimmune disease. This rejection is respectfully traversed.

Kanteti does not disclose any anti-SIVA antibody that is directed specifically to amino acid residues 123-175 of SEQ ID NO:3 (SIVA1), as confirmed by applicants' review of Kanteti's disclosure. Accordingly, it would be clear that Kanteti cannot anticipate the use of such an antibody in a method of treating an immune disorder.

Furthermore, in the PCT International Preliminary Report on Patentability (in PCT/IL2004/001095 from which the present application is a 371 US national stage application), a copy of which is submitted herewith in an IDS, this same Kanteti publication (D4) was cited and its disclosure was discussed under item 3.8 as follows:

D4 teaches SIVA1 and SIVA2 specific antibodies, no preference with respect to the targeted region within said proteins is disclosed. The technical problem thus resides in providing SIVA specific antibodies which interfere with NIK-SIVA complex formation. As the association of NIK and SIVA is not known from the prior art, the skilled person would not have an incentive to target any specific region of SIVA1 or SIVA2 and the subject-matter of claims 45 and 46 thus involves an inventive step.

Applicants agree with this opinion of the PCT International Search Authority. The disclosures and teachings of

Kanteti certainly do not make obvious the presently claimed invention.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 USC §110 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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